

U.S. Patent Application No. 09/774,266
Amendment filed January 14, 2004
Reply to final Office Action Dated September 15, 2003

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims further defines what applicants regard as their invention. In particular, the subject matter of claim 6 has been incorporated into claim 1. Original claim 6 has been amended to be dependent on claim 4. Claims 4, 5, and 10 have been amended to become independent claims and to recite the language of original claims 4, 5, and 10 with the language of claim 1 since these claims were only objected to in the first Office Action. Accordingly, these claims should be in immediate condition for allowance. Non-elected claims 12-14 have been canceled. Accordingly, claims 1-11 and 15-34 are pending. The amendment to the claims do not raise any new questions of patentability and do not necessitate any further searching on the part of the Examiner since the language added by way of this amendment has already been considered by the Examiner in dependent claims or the Examiner has only objected to the claim. Furthermore, no questions of new matter should arise by entry of this amendment in view of the above circumstances and the support provided in the claims as originally filed. Furthermore, this amendment places the application in immediate condition for allowance, or at the very least, in a better condition for appeal. Accordingly, entry of this amendment is respectfully requested.

At page 3 of the Office Action, the Examiner rejects claims 1, 7, 15, and 33 under 35 U.S.C. §102(b) as being anticipated by Lunkwitz et al. (U.S. Patent No. 5,540,837). The Examiner asserts that column 9, lines 55-67 of Lunkwitz et al. describes a membrane which comprises a PTFE/polyacrylic acid blend prepared by treating PTFE membrane with polyacrylic

U.S. Patent Application No. 09/774,266
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acid. The Examiner further asserts that PTFE is a fluoropolymer and a polyacrylic acid contains carboxylic acid groups that are ionic or ionizable. Therefore, the Examiner asserts that the claimed invention is anticipated by Lunkwitz et al. The Examiner further asserts that with respect to applicants' arguments in the Amendment filed September 4, 2003, the Examiner believes these arguments are not persuasive because the examples of ionic or ionizable groups in the present application do not exclude acrylic acid as an ionizable group. For the following reasons, this rejection is respectfully traversed.

Claim 1 as well as the claims dependent on claim 1 now recite that the ionic or ionizable group is a sulfonated group or a phosphonated group or both. These ionic or ionizable groups are not taught or suggested in Lunkwitz et al. This point is apparently appreciated by the Examiner since claim 6 was not part of this rejection. Accordingly, this rejection should be withdrawn.

At page 4 of the Office Action, the Examiner rejects claims 1-3, 6, 8, 9, 15, and 33 under 35 U.S.C. §102(b) as being anticipated by Prakash et al. (International Published Application No. WO 98/22989). According to the Examiner, page 7, lines 6-17 of Prakash et al. describes a membrane composed of a polyblend of sulfonated polystyrene and poly(vinylidene fluoride). The Examiner then asserts that since sulfonated polystyrene is a vinyl resin containing at least one ionic or ionizable sulfonated group, Prakash et al. describes all of the limitations of the claimed invention. The Examiner, in response to applicants' argument, also mentions that the present application does not exclude acrylic acid as an ionic or ionizable group. For the following reasons, this rejection is respectfully traversed.

As explained to the Examiner in the telephone conference of December 18, 2003, Prakash

U.S. Patent Application No. 09/774,266
Amendment filed January 14, 2004
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et al. only shows a sulfonated polystyrene with a poly (vinylidene fluoride). There is no teaching or suggestion of an acrylic resin or a combination of an acrylic resin with vinyl resin as mentioned in claim 1. The Examiner did not address this point in the Amendment filed September 4, 2003. As indicated previously, claim 1 recites component a) which is an acrylic resin or an acrylic resin with a vinyl resin. Thus, acrylic resin is always one of the components. Since Prakash et al. does not show any acrylic resin, Prakash et al. does not teach or suggest the claimed invention.

Furthermore, with respect to claim 8, this claim is dependent on claim 1 and therefore should be allowable. Furthermore, from our review of Prakash, et al. there appears to be no teaching or suggestion of each of the components set forth in claim 8. Accordingly, for these reasons, this rejection should be withdrawn.

At page 5 of the Office Action, the Examiner rejects claims 1-3, 7, 8, and 11 under 35 U.S.C. §102(b) as being anticipated by Rober et al. (U.S. Patent No. 5,554,426). At page 4 of the Office Action, it appears the Examiner made a typographical error by referring to Rober et al. as International Published Application No. WO 98/22989. The Examiner asserts that Rober et al. describes a multilayer plastic pipe which contains a layer having a mixture (or a blend) of PVDF and an acrylate copolymer. Furthermore, according to the Examiner, column 3, lines 50-55 of Rober et al. describes that the acrylate copolymer contains 0-15 wt. % of carboxylic acid as the ionic or ionizable group. Accordingly, the Examiner concludes that Rober et al. teaches all of the limitations of the claimed invention. Further, the Examiner, in response to the Amendment filed September 4, 2003, asserts that the present application does not exclude acrylic acid as an ionic

U.S. Patent Application No. 09/774,266
Amendment filed January 14, 2004
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or ionizable group. For the following reasons, this rejection is respectfully traversed.

As indicated above, claim 1 recites that the ionic or ionizable group is a sulfonated group or a phosphonated group or both. These groups are not taught or suggested in Rober et al. Accordingly, for these reasons, this rejection should be withdrawn.

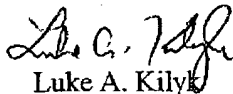
With respect to claims 4, 5, and 10 which are only objected to, as indicated above, these claims have been made independent and include the language of original claims 4, 5, and 10 along with the language of original claim 1 prior to any amendments. The Examiner did indicate that these claims would be allowable in the first Office Action.

CONCLUSION

In view of the foregoing remarks, the Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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